



Eastern Montana Drug Prosecution Coordinator

A GRANT FUNDED BY THE MONTANA BOARD OF CRIME CONTROL
THROUGH THE JUSTICE ASSISTANCE GRANT

Concept

Create a program which employs an expert to provide resources, technical assistance and a network of contacts to prosecutors, judges and state, municipal and tribal law enforcement throughout Eastern Montana to aid in the prosecution and conviction of drug offenders.

Who Benefits from the Program?

Law Enforcement, Prosecutors and Judges

- ▶ These groups had access to the Drug Prosecution Coordinator (hereinafter referred to as DPC) to obtain information, ask questions, get examples or to talk through their specific situations or informational needs.
- ▶ The DPC was consistently available to all these groups even while working on creating and researching tools to facilitate effective enforcement, prosecution and conviction of drug offenses.

Objectives

- ▶ Objective 1: To perform research and analysis in numerous areas of law including use of confidential informants, search warrants, probable cause for charging any drug offense, evidence issues.
- ▶ Objective 2: To investigate and promote innovative tools, technologies and standards.
- ▶ Objective 3: To provide legal consultation and expertise on a wide variety of issues related to drug prosecution, including charging decisions, motions practice and trial practice.

Objectives (Continued)

Objective 4: To review, draft and edit a variety of documents to provide guidance to local jurisdictions to improve the quality of prosecution.

Objective 5: To assist in the preparation of briefs, legal memorandum and other pleadings for use at hearings, trials or on appeal of such cases.

Costs for Two Year Program

- A. Personnel – Salary and Benefits - \$187,600.00 (Grant Funds)
- B. Contracted Services - \$4,320.00 (Local Match)
- C. Travel and Per Diem - \$17,004.00 (Grant Funds)
- D. Equipment – Laptop - \$1,500.00 (Grant Funds)
- E. Operating Expenses - \$4,080.00 (Grant Funds),
\$20,301.20 (Local Match)

Totals – Grant Funds \$210,184.00, Local Match \$24,621.20 –
Grand Total \$234,805.20

Products Created or Gathered by DPC

- ▶ Best Practices Manual
- ▶ Brief Bank
- ▶ Question and Answer Document
- ▶ NARK Check List
- ▶ Drug Recognition Expert
- ▶ Medical Marijuana

Best Practices Manual

222 Page Manual Including Information on the following subjects:

- ▶ Confidential Informants
- ▶ Particularized Suspicion/Probable Cause
- ▶ Search Warrants
- ▶ Prosecution Generally
- ▶ Charging/Sentencing
- ▶ Forfeiture

Brief Bank

Some of the Briefs supplied include information in the following areas:

Confidential Informants, Double Jeopardy, Evidence, Forfeiture, Miranda, Probable Cause to Charge, Searches, Warrants, Welfare Checks

Drug Prosecution Coordinator Question and Answer Document

Following is one example from the Question and Answer Document:

- ▶ **Q: Are violations of the Medical Marijuana Act, as listed in § 50-46-330(1), crimes or administrative violations?**
- ▶ **A: They are crimes punishable under § 50-46-330(2), as are any other violations of the MMA that cannot be charged under Title 45, Chapter 9.**

NARK Checklist

This is a one page document that provides a checklist for use when testing for Marijuana/Hash/Hash Oil

Drug Recognition Expert Documents

**Includes information on the Legal
Consequences of using a Drug
Recognition Expert, DRE Procedures
and Training and History of the DRE
Program**

Medical Marijuana

Includes a copy of Initiative No. 148 which proposed a law allowing production, possession, and use of marijuana by patients with debilitating medical conditions, cases pertaining to medical marijuana in Montana over the last four years, a copy of Senate Bill 0423 and a timeline of the legalization of medical marijuana in Montana.

Impact

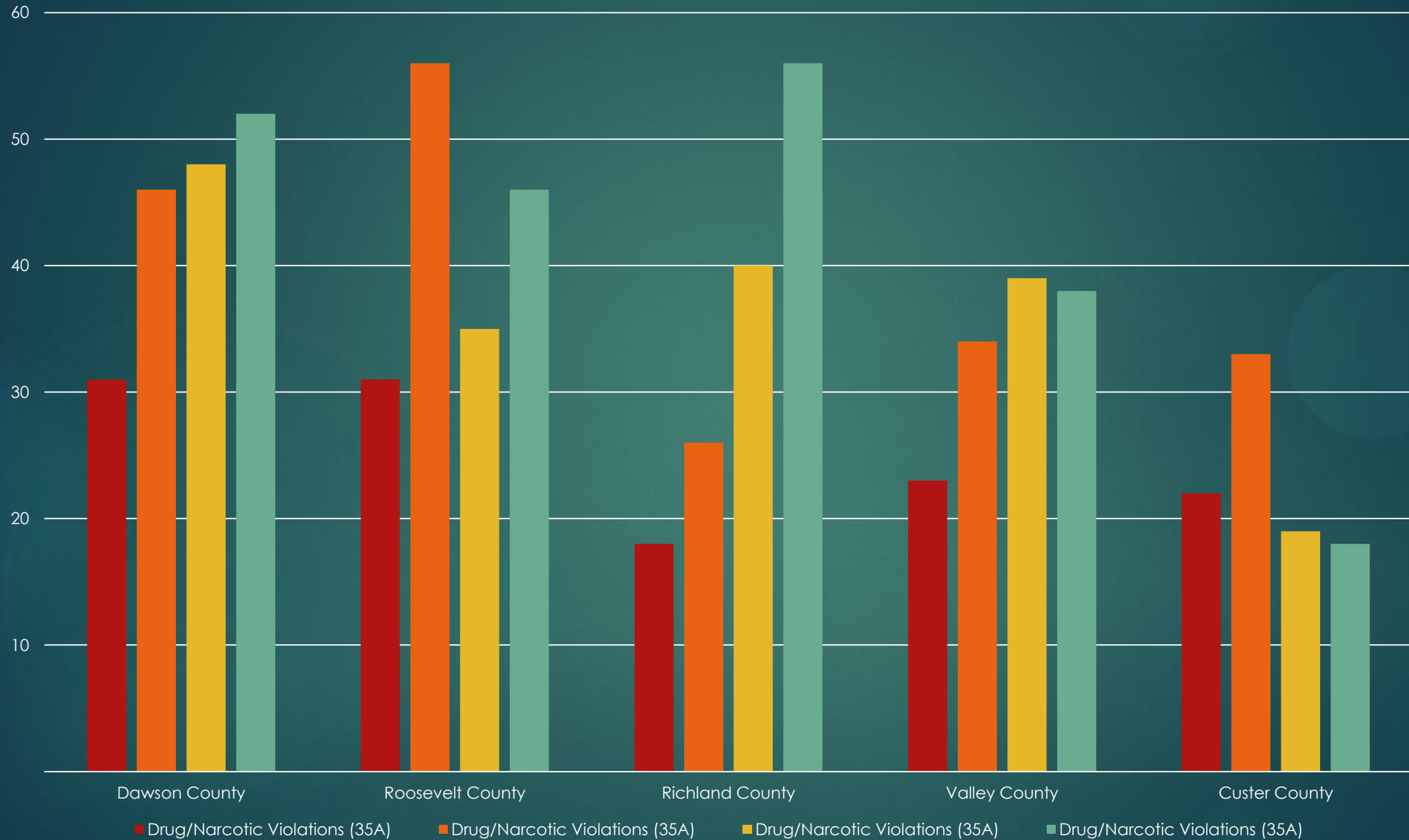
With funds available when the program was closing out the grant was able to provide law enforcement agencies and county attorneys in northeastern Montana with flash drives loaded with the information gathered and created by the coordinator. They also received NARK test kits and digital scales.

Drug Prosecution Coordinator Grant

Four year drug arrest data – taken from the Montana Incident-Based Reporting System

Measures	Number of Arrestees									
Arrest Date	2012		2013		2014		2015		Totals	
Offense Type										
Jurisdiction (01)	Drug Equipment Violations	Drug/Narcotic Violations	Drug Equipment Violations	Drug/Narcotic Violations	Drug Equipment Violations	Drug/Narcotic Violations	Drug Equipment Violations	Drug/Narcotic Violations	Drug Equipment Violations	Drug/Narcotic Violations
Carter County									0	0
Custer County	24	22	18	33	22	19	19	18	83	92
Daniels County	2	4	1		4	2			7	6
Dawson County	24	31	32	46	42	48	49	52	147	177
Fallon County	3	3	1	2	1		1	1	6	6
Garfield County		1	1	1					1	2
McCone County	2	3	1	1			1		4	4
Phillips County	14	16	9	8	8	9	6	7	37	40
Powder River County							3	2	3	2
Prairie County									0	0
Richland County	18	18	29	26	38	40	44	56	129	140
Roosevelt County	9	31	45	56	25	35	44	46	123	168
Rosebud County	8	3	5	4	5	8	2	3	20	18
Sheridan County	8	9	3	8	11	9	9	10	31	36
Treasure County									0	0
Valley County	13	23	22	34	28	39	29	38	92	134
Wibaux County				1					0	1
Totals	125	164	167	220	184	209	207	233	683	826

Leading 5 Grant Counties for Drug/Narcotic Violation Arrest



Summary

The Northeast Montana Drug Prosecution Coordinator Grant provided tremendous information, tools and services to rural northeast Montana that were inundated with drugs. Remote agencies were given the means to effectively charge and prosecute drug offenses.

This program helped reinforce community safety by enabling law enforcement, prosecutors and judges to effectively hold offenders accountable and keep drugs out of our neighborhoods.